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PATENT  
Customer No. 22,852  
Attorney Docket No. 7552.0031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Francesco PAOLINI et al. ) Group Art Unit: 3762  
)  
Application No.: 10/500,324 ) Examiner: Unassigned  
)  
Filed: June 28, 2004 )  
)  
For: CONTROL EQUIPMENT AND ) Confirmation No.: 8942  
)  
METHOD FOR AN )  
EXTRACORPOREAL BLOOD )  
CIRCUIT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO SB-08. To the knowledge of the undersigned, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.  
Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

An English language translation of one of the listed documents, "BTM 4008 Blutenperaturmonitor," is also enclosed.

In addition, an English language Abstract of EP 0265795 is provided. EP 0265795 corresponds to U.S. Patent No. 4,894,164, which is also listed on the attached Form PTO SB-08. A listing of the patent family of EP 0265795 is also enclosed for the Examiner's convenience.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

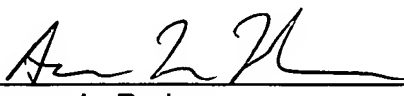
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

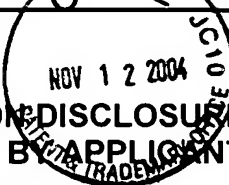
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 11, 2004

By:   
Aaron L. Parker  
Reg. No. 50,785

|                               |   |  |   |                          |  |           |
|-------------------------------|---|--|---|--------------------------|--|-----------|
| Substitute for form 1449A/PTO |   | <div style="text-align: center;">  <p><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b></p> <p>(Use as many sheets as necessary)</p> </div> |   | <b>Complete if Known</b> |  |           |
| Application Number            |   |  |   | 10/500,324               |  |           |
| Filing Date                   |   |  |   | June 28, 2004            |  |           |
| First Named Inventor          |   |  |   | Francesco Paolini et al. |  |           |
| Art Unit                      |   |  |   | 3762                     |  |           |
| Examiner Name                 |   |  |   | Unassigned               |  |           |
| Sheet                         | 1 | of   | 1 | Attorney Docket Number   |  | 7552.0031 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                       |  |   |   |   |
|---|-----------------------|--|---|---|---|
| Examiner Initials                                   | Cite No. <sup>1</sup> | Document Number                          | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|   |                       | Number-Kind Code <sup>2</sup> (if known) |   |   |   |
|   |                       | US-4,140,635                             | 02/20/1979                              | Esmond  |   |
|   |                       | US-4,231,425                             | 11/04/1980                              | Engstrom  |   |
|   |                       | US-4,894,164                             | 01/16/1990                              | Polaschegg                                      |   |
|   |                       | US-5,588,959                             | 12/31/1996                              | Ahmad et al.                                    |   |
|   |                       | US-5,866,015                             | 02/02/1999                              | Krämer  |   |

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

| FOREIGN PATENT DOCUMENTS |                       |   |                                |   |   |                          |
|--------------------------|-----------------------|---|--------------------------------|---|---|--------------------------|
| Examiner Initials        | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |   |   |                          |
|                          |                       | EP 0265795  | 05/04/1988                     | Fresenius AG                                    |   | Yes (Abstract)           |
|                          |                       | EP 1 132 101  | 09/12/2001                     | Nikkiso Company, LTD.                           |   |                          |
|                          |                       | WO 00/41746   | 07/20/2000                     | Gambro, Inc.                                    |   |                          |
|                          |                       |   |                                |   |   |                          |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                          |
|---------------------------------|-----------------------|---|--------------------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|                                 |                       | Krämer et al., "A Device for Control of Thermal Parameters and Recirculation Measurement in Hemodialysis," <i>Fourth Annual British Renal Symposium, Boumemouth, November 1992.</i>   |                          |
|                                 |                       | "Blood Temperature Monitor (BTM), A Step to Physiological and Adequate Dialysis," <i>Fresenius Medical Care.</i>  |                          |
|                                 |                       | "BTM 4008, Bluttemperaturmonitor," <i>Fresenius Medical Care.</i>   | Yes                      |
|                                 |                       | "Hypotension Management," <i>Fresenius USA.</i>   |                          |
|                                 |                       | International Search Report for International Application No. PCT/IB2002/05571.   |                          |
|                                 |                       | "Evolution Towards Physiological Dialysis," <i>Fresenius AG.</i>  |                          |

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|